

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ghoshal, Mitali et al.
Serial No: 10/732,767
Filed: December 10, 2003
For: Reagents for detecting efavirenz
Art Unit: 1641
Examiner: Shafiqul Haq

AMENDMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 2231301450

February 20, 2008

Dear Sir:

Please amend the specification in the above-referenced application as shown in the attached.

The Commissioner is hereby authorized to charge any fees associated with this Amendment to Deposit Account No. 02-2958.

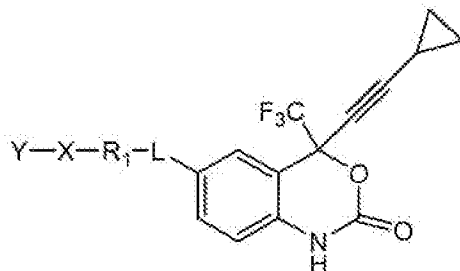
AMENDMENT TO THE SPECIFICATION

Please amend paragraph [0078] on page 24 as follows:

The murine hybridoma cell line EFA 97.1 was deposited with the American Type Culture Collection (ATCC, Manassas, VA) on [[____]] February 17, 2004 and assigned ATCC designation [[____]] PTA-5820.

CURRENT LISTING OF THE CLAIMS

1. (original) A compound having the structure



wherein L is NH or O;

R₁ is a saturated or unsaturated, substituted or unsubstituted, straight or branched chain of 0-10 carbon or hetero atoms;

X is a linker group consisting of 0-2 substituted or unsubstituted aromatic rings or aliphatic linking groups containing 0-10 carbon or hetero atoms; and

Y is an activated ester, maleimido group, thiol, or NH-Z where Z is a carrier or a label.

2. (original) The compound of claim 1 wherein the carrier is selected from the group consisting of poly(amino acid)s, polysaccharides, poly(nucleic acid)s, and particles.
3. (original) The compound of claim 1 wherein the label is selected from the group consisting of enzymes, enzyme fragments, radioactive isotopes, enzyme substrates, enzyme inhibitors, coenzymes, fluorogenic compounds, chemiluminescent materials, electrochemical mediators, reporter groups, nucleic acids and particles.
4. (original) The compound of claim 1 wherein Y is an activated ester selected from the group consisting of N-hydroxysuccinimidyl, *p*-nitrophenyl, pentafluorophenyl, and N-hydroxybenzotriazolyl esters.
- 5-13 (canceled)

REMARKS

Entry of the preceding amendments and consideration of the comments which follow are respectfully requested by Applicants.

The specification has been amended at paragraph [0078] to insert the date of deposit and deposit no. for the cell line EFA 97.1. No new matter has been added.

In accordance with the Examiner's suggestion via telephone on February 20, 2008, Applicants are filing concurrently herewith a terminal disclaimer with regard to US 7,271,252. A copy has been attached hereto.

Applicants submit that their application is now in condition for allowance, and favorable reconsideration of their application in light of the present amendment and remarks is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this Amendment to Deposit Account No. 02-2958.

Respectfully submitted,



Marilyn L. Amick

Reg. No. 30,444

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TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT		Docket Number (Optional) 22345 US
In re Application of:	<u>Ghoshal, Mitali et al.</u>	
Application No.	<u>10/732/767</u>	
Filed:	<u>December 10, 2003</u>	
For:	<u>Reagents for detecting efavirenz</u>	
<p>The owner*, <u>Roche Diagnostics Operations, Inc.</u>, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. <u>7,271,252</u> as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:</p> <ul style="list-style-type: none">expires for failure to pay a maintenance fee;is held unenforceable;is found invalid by a court of competent jurisdiction;is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;has all claims canceled by a reexamination certificate;is reissued; oris in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.		
Check either box 1 or 2 below, if appropriate.		
1. <input type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.		
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>		
2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record. Reg. No. <u>30,444</u> .		
<u><i>Marion Amick</i></u> Signature		<u>2/20/2008</u> Date
<u>Marion Amick</u> Typed or Printed Name		<u>317-521-7861</u> Telephone Number
<input type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) is included.		
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.		
*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.		